



and Plaintiff has made repeated complaints and efforts to mail out certain complaints to the Raleigh Administration Office.

This case does not present exceptional circumstances that justify appointment of counsel. Therefore, Plaintiff's motion to appoint counsel will be denied.


Petitioner alleges in his "Motion Notice to Clerk" and Motion for Default Judgment that Defendant Martin and DPS have failed to comply with the Court's Order requiring a response to the waiver of service request by July 30, 2018, (Doc. No. 18), and therefore default judgment should be entered in Plaintiff's favor.

Defendant Martin timely returned the executed Waiver of Service on July 27, 2018. (Doc. No. 22). The Answer is due on September 25, 2018. Defendant Martin is not in default and Plaintiff's Motions will be denied.

**IT IS THEREFORE ORDERED** that:

- (1) Plaintiff's "Motion Notice to Clerk of Court of Defendants Request for Waiver to Clerk of Court and to Plaintiff, that Defendant Answer to All Plaintiff Complaint and Relief" (Doc. No. 23), is construed as a Motion for Default Judgment and is **DENIED**.
- (2) Plaintiff's Motion for Appointment of Counsel, (Doc. No. 24), is **DENIED**.
- (3) Plaintiff's Motion for Default Judgment, (Doc. No. 25), is **DENIED**.
- (4) The Clerk of Court is instructed to mail *pro se* Plaintiff a copy of the docket sheet and Defendant Martin's Waiver of Service, (Doc. No. 22).

Signed: September 5, 2018

  
Frank D. Whitney  
Chief United States District Judge

